

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY BARBARIN,

Petitioner,

No. 2:04-cv-00894-MDS

vs.

ORDER

A.K. SCRIBNER, Warden,

Respondent.

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IT IS HEREBY ORDERED that Petitioner's motion to file an untimely notice of appeal [Docket No. 52] is denied.

DATED: October 19, 2011

/s/ Milan D. Smith, Jr.

UNITED STATES CIRCUIT JUDGE

Sitting by Designation